

## Message Text

CONFIDENTIAL

PAGE 01 CAPE T 00960 01 OF 04 101917Z  
ACTION IO-14

INFO OCT-01 AF-10 EUR-12 ISO-00 IOE-00 SSO-00 NSCE-00  
INRE-00 USIE-00 CIAE-00 DODE-00 PM-04 H-01 INR-07  
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15  
ACDA-07 OMB-01 TRSE-00 DHA-02 /086 W  
-----101920Z 024007 /41

O 101750Z JUN 77  
FM AMEMBASSY CAPE TOWN  
TO SECSTATE WASHDC IMMEDIATE 6238  
INFO AMEMBASSY BONN  
AMEMBASSY DAR ES SALAAM  
AMEMBASSY GABORONE  
AMEMBASSY LAGOS  
AMEMBASSY LONDON  
AMEMBASSY LUSAKA  
AMEMBASSY MAPUTO  
AMEMBASSY OTTAWA  
AMEMBASSY PARIS  
AMEMBASSY PRETORIA  
USMISSION USUN NEW YORK IMMEDIATE

C O N F I D E N T I A L SECTION 1 OF 4 CAPE TOWN 0960

E.O. 11652: GDS  
TAGS: PDEV SF WA US UN  
SUBJ: NAMIBIA TALKS: FINAL DAY

REF: CAPE TOWN 0946

1. LAST NIGHT AND THIS MORNING (JUNE 10) THE CONTACT  
GROUP PREPARED A DRAFT PAPER SUMMARIZING THE PROCEEDINGS  
OF OUR TALKS WITH THE SAG. AT 1100 HRS WE MET WITH  
VORSTER, BOTHA AND FOURIE, AND PRESENTED THEM WITH THE  
PAPER (WHICH, AS BEFORE, WILL BE TREATED AS A "NON-PAPER").  
WE ADJOURNED FOR AN HOUR WHILE THEY REVIEWED IT. WHEN  
MEETING RESUMED, THEY SUGGESTED A NUMBER OF MINOR CHANGES  
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 CAPE T 00960 01 OF 04 101917Z

WHICH WE ACCEPTED, ONE SUBSTANTIVE CHANGE WHICH WE  
REJECTED (THEY DID NOT PRESS US ON IT) AND SEVERAL  
SENTENCES OF HISTORICAL BACKGROUND TO SOUTH AFRICA'S  
CLAIM TO WALVIS BAY. FULL TEXT FOLLOWS:

BEGIN TEXT

2. AS IN THE CASE OF OUR FIRST MEETING, WE THOUGHT IT

USEFUL TO REVIEW THIS SECOND ROUND OF DISCUSSIONS IN ORDER TO ENSURE THAT OUR REPORTS TO OUR GOVERNMENTS AND ANY FUTURE DISCUSSIONS WITH THE SOUTH AFRICAN GOVERNMENT AND THE OTHER PARTIES INVOLVED WILL REFLECT OUR DISCUSSIONS AS ACCURATELY AS POSSIBLE.

3. WE RECALLED THAT OUR MANDATE FOR THE CURRENT TALKS REMAINS AS BEFORE. FIRST, WE BELIEVE THAT SECURITY COUNCIL RESOLUTION 385 PROVIDES THE MOST ACCEPTABLE BASIS FOR A SETTLEMENT OF THE NAMIBIA QUESTION. IT IS A BALANCED DOCUMENT WHICH, IF IMPLEMENTED, WILL LEAD TO A VALID ACT OF SELF-DETERMINATION ON THE PART OF THE PEOPLE OF NAMIBIA. SECOND, WE ARE NOT EMPOWERED TO NEGOTIATE A SPECIFIC AGREEMENT WITH SOUTH AFRICA. WHAT WE HOPE TO DO IS EXPLORE WITH THE SOUTH AFRICAN GOVERNMENT AND WITH THE PRINCIPAL PARTIES CONCERNED POSSIBLE SOLUTIONS CONSISTENT WITH SECURITY COUNCIL RESOLUTION 385 SO THAT THE PEOPLE OF NAMIBIA CAN DECIDE FREELY HOW THEY WISH TO GOVERN THEMSELVES.

4. THE SECOND ROUND RESULTED IN FURTHER CLARIFICATION OF THE ELEMENTS OF WHAT MIGHT BECOME AN INTERNATIONALLY ACCEPTABLE SOLUTION. THE CONTACT GROUP ACKNOWLEDGES THE SOUTH AFRICAN GOVERNMENT'S CONTRIBUTION TO THIS RESULT. THE CONTACT GROUP EMPHASIZED THAT THE COMPLEXITY OF THE ISSUES AND THE NEED TO PREPARE THE WAY FOR DIRECT CONSULTATIONS BETWEEN THE SOUTH AFRICAN GOVERNMENT AND THE UN SECRETARY-GENERAL WOULD REQUIRE TIME FOR ADDITIONAL CONTACT BETWEEN THE CONTACT GROUP AND THE OTHER PARTIES. THE CONTACT GROUP AGREED THAT WE WOULD MOVE WITH ALL DELIBERATE SPEED IN CONFIDENTIAL

CONFIDENTIAL

PAGE 03 CAPE T 00960 01 OF 04 101917Z

THIS EFFORT. THE SOUTH AFRICAN GOVERNMENT EMPHASIZED THAT THE ENTIRE ELECTORAL PROCESS FOR A CONSTITUENT ASSEMBLY SHOULD BE COMPLETED BY 31 DECEMBER 1977.

#### RESULTS OF PREVIOUS BRIEFINGS

5. THE CONTACT GROUP REVIEWED THE RESULTS OF OUR PREVIOUS TALKS WITH VARIOUS NAMIBIAN POLITICAL GROUPS, INCLUDING SWAPO AND THE TURNHALLE PARTICIPANTS; VARIOUS AFRICAN GOVERNMENTS; AND OTHER PARTIES WITH PARTICULAR INTEREST IN NAMIBIA, ESPECIALLY THE UN AND ITS SECRETARY-GENERAL. THEIR REACTIONS VARIED. HOWEVER, THE CONTACT GROUP INFORMED THE SOUTH AFRICAN GOVERNMENT OF OUR BELIEF THAT THERE IS A POSSIBILITY OF ENLISTING BROAD SUPPORT FOR A SETTLEMENT ALONG THE LINES OF OUR LAST PRESENTATION.

#### NATURE OF TRANSITIONAL ADMINISTRATIVE ARRANGEMENTS

6. THE FIVE WERE INFORMED INITIALLY THAT THE SOUTH AFRICAN GOVERNMENT HAD IN MIND ESTABLISHING A CENTRAL ADMINISTRATIVE ARRANGEMENT CONSISTING OF FROM 17 MEMBERS, WHICH WOULD HAVE

EXECUTIVE AS WELL AS LEGISLATIVE POWERS IN THOSE AREAS OF RESPONSIBILITY NOT RESERVED TO THE SOUTH AFRICAN GOVERNMENT DURING THE TRANSITIONAL PERIOD. ELEVEN OF THOSE MEMBERS WERE TO BE REPRESENTATIVES OF THE DIFFERENT ETHNIC GROUPS WHICH PARTICIPATED IN THE TURNHALLE CONFERENCE, WITH THE REMAINING MEMBERS CHOSEN ON A DIFFERENT BASIS.

7. IN RESPONSE, WE RESTATED OUR VIEW THAT ANY TRANSITIONAL ARRANGEMENT SHOULD NOT PREJUDICE OR APPEAR TO PREJUDICE THE OUTCOME OF THE POLITICAL PROCESS. IN PARTICULAR, IT SHOULD NOT BE BASED EXCLUSIVELY ON ETHNIC CONSIDERATIONS. THE POSSIBILITY OF THE APPOINTMENT OF A NON-POLITICAL SOUTH AFRICAN PERSON OR PERSONS AS A CHANNEL BETWEEN THE CENTRAL ADMINISTRATIVE AUTHORITY AND THE SOUTH AFRICAN GOVERNMENT WAS RAISED.

CONFIDENTIAL

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CONFIDENTIAL

PAGE 01 CAPE T 00960 02 OF 04 101943Z  
ACTION IO-14

INFO OCT-01 AF-10 EUR-12 ISO-00 IOE-00 CIAE-00 DODE-00  
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-----102033Z 024312 /66

O 101750Z JUN 77

FM AMEMBASSY CAPE TOWN  
TO SECSTATE WASHDC IMMEDIATE 6239  
INFO AMEMBASSY BONN  
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C O N F I D E N T I A L SECTION 2 OF 4 CAPE TOWN 0960

8. FOLLOWING THESE EXCHANGES OF VIEW, THE EARLIER FORMULA WAS CHANGED. THE STATE PRESIDENT WOULD NAME A SINGLE ADMINISTRATOR-GENERAL WHO WOULD CONSTITUTE THE INTERIM AUTHORITY TO ADMINISTER THE TERRITORY DURING THE TRANSITIONAL PERIOD. THE

FIVE EXPRESSED INTEREST IN THIS APPROACH, NOTING THAT IT COULD REMOVE SOME OF THE POLITICAL DIFFICULTIES OF THE PREVIOUS PROPOSAL. WE INDICATED THAT WE WOULD WELCOME AN ASSURANCE THAT THE ADMINISTRATOR-GENERAL WOULD NOT EMPLOY ANY POLITICAL GROUPING IN AN INSTITUTIONAL FASHION, WHETHER ADVISORY OR OTHERWISE. WE ALSO EXPRESSED THE HOPE THAT THE ADMINISTRATOR-GENERAL WOULD FROM THE OUTSET BEAR IN MIND THAT IN HIS FUNCTIONS IN RELATION TO THE ELECTORAL PROCESS, HE WILL ACT IN CO-OPERATION WITH THE UN SPECIAL REPRESENTATIVE AND THAT HIS

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 CAPE T 00960 02 OF 04 101943Z

DECISIONS WILL NEED TO TAKE ACCOUNT OF THIS FACT.

9. THE SOUTH AFRICAN GOVERNMENT INDICATED THAT THE ADMINISTRATOR-GENERAL AND HIS STAFF WOULD BE IMPARTIAL. THEY ALSO CONFIRMED THAT THE UN SPECIAL REPRESENTATIVE WOULD AT ALL STAGES HAVE TO BE SATISFIED AS TO THE FAIRNESS OF THE POLITICAL PROCESS.

10. THE SOUTH AFRICAN GOVERNMENT INFORMED US THAT THE LEGAL BASIS FOR THE NEW TRANSITIONAL AUTHORITY IS TO BE AN ENABLING PROVISION ADOPTED BY THE SOUTH AFRICAN PARLIAMENT WHICH AUTHORIZES THE STATE PRESIDENT TO MAKE BY PROCLAMATION SUCH LAWS AS MAY BE NECESSARY, TO REPEAL OR AMEND ANY NOW APPLICABLE, AND TO REGULATE IN SUCH AREAS WHERE REPEAL OR ANNULMENT OF LAWS MAKE THIS NECESSARY. IT WAS UNDERSTOOD THAT A BILL WOULD BE PRESENTED TO THE PARLIAMENT ON JUNE 10 AND ADOPTED PROBABLY DURING THE WEEK OF JUNE 13-17. IN PRESENTING THE BILL, THE PRIME MINISTER MIGHT INDICATE THAT THE LEGISLATION IS "CONSISTENT WITH DISCUSSIONS WITH THE CONTACT GROUP, WITH A VIEW TO REACHING AN INTERNATIONALLY ACCEPTABLE SOLUTION." THE SOUTH AFRICAN GOVERNMENT ALSO STATED THEIR INTENTION TO ESTABLISH REGIONAL GOVERNMENTS FOR THE DAMARAS, HEREROS, TSWANAS, AND NAMAS. THE CONTACT GROUP STATED THAT THIS WAS NOT A MATTER ON WHICH WE WISHED TO COMMENT. THE MATTER OF LOCAL GOVERNMENT WOULD ULTIMATELY HAVE TO BE DECIDED BY NAMIBIANS THEMSELVES.

NATURE OF UN INVOLVEMENT

11. WE EMPHASIZED THAT OUR GOVERNMENTS ATTACHED PARTICULAR IMPORTANCE TO UNITED NATIONS INVOLVEMENT IN FREE ELECTIONS IN NAMIBIA, AS CALLED FOR BY RESOLUTION 385. WE REMINDED THE SOUTH AFRICAN GOVERNMENT THAT WE WERE ONLY NOW BEGINNING TO CONSIDER THE DETAILS OF THE UN ROLE. WE RECALLED OUR EARLIER STATEMENT THAT UN CONDUCT OF ELECTIONS ELSEWHERE MIGHT SERVE AS A GUIDE, ALTHOUGH THERE WERE ALWAYS SPECIAL CONSIDERATIONS TO BE TAKEN INTO ACCOUNT. WE DID NOT YET

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 CAPE T 00960 02 OF 04 101943Z

HAVE THE VIEWS OF THE SECRETARY-GENERAL NOR OTHERS CONCERNED.  
OUR PRELIMINARY VIEW WAS, HOWEVER, THAT AN ADEQUATE UN  
PRESENCE THROUGHOUT THE TRANSITIONAL PERIOD COULD:

- GREATLY ASSIST IN THE ACHIEVEMENT OF ORDERLY,  
RAPID AND INTERNATIONALLY ACCEPTABLE MOVEMENT TO A FREE  
AND INDEPENDENT NAMIBIA; AND
- GIVE INDISPENSABLE ASSURANCE TO ALL PARTIES MAINLY  
INVOLVED OF THE IMPARTIALITY OF THE TRANSITIONAL ADMIN-  
ISTRATIVE ARRANGEMENTS AND THE ELECTORAL PROCESS.

12. TO THIS END WE THOUGHT THAT THE UN PRESENCE SHOULD  
BEGIN AT THE EARLIEST POSSIBLE STAGE IN THE TRANSITIONAL  
PROCESS. THE SOUTH AFRICAN GOVERNMENT INDICATED THAT THEY  
WOULD WELCOME THE PRESENCE OF THE UN SPECIAL REPRESENTATIVE  
IN NAMIBIA AS SOON AS POSSIBLE AFTER THE APPOINTMENT OF  
THE ADMINISTRATOR-GENERAL.

13. WE EXPLAINED THAT THE UN PRESENCE AT ITS PEAK COULD  
INVOLVE A SUBSTANTIAL NUMBER OF PERSONS BUT THE NUMBER  
WOULD BEST BE DETERMINED BY OPERATIONAL REQUIREMENTS.  
THESE PERSONS WOULD, OF COURSE, BE RESPONSIBLE TO THE  
SECRETARY-GENERAL AND HIS SPECIAL REPRESENTATIVE IN NAMIBIA.

14. BY WAY OF ILLUSTRATION, WE SUGGESTED THAT THE UN  
SPECIAL REPRESENTATIVE, ASSISTED BY HIS STAFF, SHOULD  
HAVE THE RESPONSIBILITY OF SATISFYING HIMSELF:

- THAT EXISTING LEGISLATION IS NON-DISCRIMINATORY  
AND DOES NOT IMPEDE THE FULL PARTICIPATION OF ALL NAMIBIANS  
IN THE POLITICAL PROCESS;
- THAT THE PROPOSED ELECTORAL LEGISLATION IS ADEQUATE;
- THAT THE POLITICAL CAMPAIGN IS FAIRLY AND PEACEFULLY  
CONDUCTED (E.G. IMPARTIALITY OF THE ADMINISTRATION, FREEDOM  
OF MOVEMENT, STRICT OBSERVANCE OF THE ELECTORAL REGULATIONS  
BY THE POLITICAL PARTIES AND OTHERS, IMPARTIALITY OF  
OFFICIAL INFORMATION, GUARANTEES AGAINST THE POSSIBILITY OF  
INTIMIDATION FROM WHATEVER QUARTER;

CONFIDENTIAL

CONFIDENTIAL

PAGE 04 CAPE T 00960 02 OF 04 101943Z

- THAT THE REGISTRATION OF VOTERS IS PROPERLY AND  
COMPREHENSIVELY CARRIED OUT;
- THAT VOTING IS SECRET AND FREE FROM IMPROPER INTER-  
FERENCE BY ANYONE;
- THAT THE VOTES ARE PROPERLY COUNTED AND THE RESULTS  
PROPERLY DECLARED.

CONFIDENTIAL

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CONFIDENTIAL

PAGE 01 CAPE T 00960 03 OF 04 101959Z  
ACTION IO-14

INFO OCT-01 AF-10 EUR-12 ISO-00 IOE-00 CIAE-00 DODE-00  
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O 101750Z JUN 77  
FM AMEMBASSY CAPE TOWN  
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C O N F I D E N T I A L SECTION 3 OF 4 CAPE TOWN 0960

15. THE SOUTH AFRICAN GOVERNMENT SAID THAT THEY SAW NO  
OBJECTION TO AN APPROACH ALONG THESE LINES. THEY SAID  
THEY WERE READY TO ACCEPT APPROPRIATE ARRANGEMENTS FOR  
WHICH THERE WERE SUTIALE PRECEDENTS.

16. WE RECALLED OUR EARLIER SUGGESTION FOR THE ESTABLISH-  
MENT OF AN INTERNATIONAL COMMISSION (HEREAFTER REFERRED TO  
AS PANEL) OF JURISTS TO SETTLE DISPUTES WHICH MIGHT ARISE  
IN THE ELECTORAL PROCESS. THE PANEL MIGHT CONSIST OF FOUR  
MEMBERS APPOINTED BY THE SECRETARY-GENERAL HALF OF WHOM  
WOULD BE SOUTH AFRICANS. THE PRESIDENT, DESIGNATED BY  
THE SECRETARY-GENERAL, WOULD HAVE A CASTING VOTE. THE  
PANEL SHOULD BE AUTONOMOUS AND EMPOWERED TO TAKE FINAL  
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 CAPE T 00960 03 OF 04 101959Z

DECISIONS.

REPEAL OF DISCRIMINATORY AND RESTRICTIVE LAWS AND REGULATIONS

17. WE WERE INFORMED BY THE SOUTH AFRICAN GOVERNMENT THAT THIS ISSUE SHOULD POSE NO PROBLEM BECAUSE (A) ITS NEW LEGISLATION WILL AUTHORIZE THE STATE PRESIDENT TO MAKE ANY CHANGES IN THE LAWS THAT ARE NECESSARY; (B) THE PEOPLE OF NAMIBIA WANT TO REPEAL DISCRIMINATORY LEGISLATION; AND (C) THIS WOULD BE ONE OF THE FUNCTIONS OF THE ADMINISTRATOR-GENERAL AND IT WOULD BE INCONCEIVABLE THAT THE STATE PRESIDENT WOULD NOT RESPOND TO HIS PROPOSALS IN THIS REGARD. WE NOTED THAT IN ADDITION TO WHAT ARE REGARDED AS DISCRIMINATORY LAWS, THERE MIGHT BE OTHER LEGISLATION THAT COULD BE USED TO IMPEDE THE FULL PARTICIPATION OF ALL NAMIBIANS IN THE POLITICAL PORCESS. IN RESPONSE TO OUR INQUIRY WHETHER THESE LAWS WOULD ALSO CEASE TO APPLY, WE WERE TOLD THAT THE BROAD AUTHORITY UNDER THE NEW LEGISLATION WOULD PERMIT REPEAL OR AMENDMENT OF ANY SUCH LAWS APPLICABLE IN NAMIBIA (INCLUDING ANY LAWS IN THE FIELD RESERVED TO THE SOUTH AFRICAN GOVERNMENT).

DETAINEES AND POLITICAL PRISONERS

18. WE RESTATED OUR VIEW THAT ALL NAMIBIANS WHEREVER HELD AS DETAINEES AND POLITICAL PRISONERS SHOULD BE RELEASED SO THAT THEY CAN PARTICIPATE IN THE POLITICAL PROCESS. WE MADE IT CLEAR THAT WHILE WE RECOGNIZED THE DISTINCTION BETWEEN POLITICAL PRISONERS AND COMMON CRIMINALS, WE COULD NOT ACCEPT THAT SIMPLY BECAUSE A PRISONER HAD BEEN CONVICTED BY THE COURTS FOR CRIMES UNDER EXISTING LAW--SOME OF WHICH MIGHT IN ANY CASE HAVE TO BE CHANGED IN NAMIBIA BEFORE THE ELECTIONS--HE WAS NECESSARILY INELIGIBLE FOR CLASSIFICATION AS A POLITICAL PRISONER. WE RECALLED OUR SUGGESTION THAT IN THE CASE OF DISPUTES AS TO WHO IS A POLITICAL PRISONER, THE DISPUTE IN THE FINAL INSTANCE WOULD BE DECIDED BY THE PANEL OF JURISTS APPOINTED BY THE UN SECRETARY-GENERAL. WE SUGGESTED THAT THE SOUTH AFRICAN GOVERNMENT TAKE THREE ADDITIONAL STEPS:

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 CAPE T 00960 03 OF 04 101959Z

- A) MOVE ALL NAMIBIANS DETAINED AND IMPRISONED IN SOUTH AFRICA TO PENAL INSTITUTIONS IN NAMIBIA;
- B) BEGIN TO RELEASE NAMIBIANS EVEN BEFORE THE ESTABLISHMENT OF THE PANEL OF JURISTS; AND
- C) PROVIDE US WITH ALL RELEVANT INFORMATION IN THEIR POSSESSION REGARDING NAMIBIANS WHEREVER DETAINED OR IMPRISONED.

19. WE TOLD THE SOUTH AFRICAN GOVERNMENT THAT WE WOULD CONTINUE TO WORK SO THAT ALL NAMIBIANS WOULD BE FREE TO PARTICIPATE IN THE POLITICAL PROCESS. HOWEVER, WE COULD NOT ACCEPT THAT THE RELEASE OF SUCH PERSONS IN ONE COUNTRY SHOULD BE CONTINGENT ON THE RELEASE OF PERSONS HELD ELSEWHERE.

20. THE SOUTH AFRICAN GOVERNMENT STATED IT WOULD RELEASE

NAMIBIAN DETAINEES PROVIDED NAMIBIANS DETAINED IN OTHER COUNTRIES WERE ALSO RELEASED. THEY ALSO AGREED THAT DISPUTES AS TO WHO IS A POLITICAL PRISONER COULD BE SUBMITTED TO THE PANEL OF JURISTS. THE SOUTH AFRICAN GOVERNMENT RAISED NO OBJECTION TO THE TRANSFER FROM SOUTH AFRICA TO NAMIBIA OF NAMIBIANS DETAINED AND IMPRISONED IN SOUTH AFRICA, BUT STATED THAT THIS WAS NOT PRACTICAL UNTIL THE COMPLETION OF ADEQUATE FACILITIES IN NAMIBIA. WE STRESSED THE NEED FOR SUCH FACILITIES AS SOON AS POSSIBLE.

21. FINALLY, THE SOUTH AFRICAN GOVERNMENT AGREED THAT IT SHOULD BE POSSIBLE TO PROVIDE THE FIVE WITH RELEVANT INFORMATION ON NAMIBIANS WHEREVER DETAINED OR IMPRISONED.

TRANSFER OF POWER AND WITHDRAWAL OF ELEMENTS OF AUTHORITY  
22. WE INDICATED OUR VIEW THAT DURING THE TRANSITIONAL PERIOD LAW AND ORDER MUST BE MAINTAINED AND PUBLIC SERVICES CONTINUED.

23. WE ASKED THE SOUTH AFRICAN GOVERNMENT, IN CONSULTATION WITH THOSE MAINLY CONCERNED, TO MOVE QUICKLY TO DRAW UP PLANS FOR A PHASED TRANSFER OF POWER/WITHDRAWAL WHICH SHOULD BE CONFIDENTIAL

CONFIDENTIAL

PAGE 04 CAPE T 00960 03 OF 04 101959Z

TAKE PLACE, PROGRESSIVELY THROUGHOUT THE TRANSITIONAL PERIOD, BEGINNING WITH THE APPOINTMENT OF THE ADMINISTRATOR-GENERAL.

CONFIDENTIAL

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CONFIDENTIAL

PAGE 01 CAPE T 00960 04 OF 04 102013Z  
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C O N F I D E N T I A L SECTION 4 OF 4 CAPE TOWN 0960

24. TO FACILITATE INTERNATIONAL ACCEPTANCE, TWO STEPS  
ARE ESSENTIAL:

- A) THE UN REPRESENTATIVE MUST BE KEPT CLOSELY  
INFORMED IN ALL PHASES OF THE PLAN;
- B) THE WITHDRAWAL MUST BE COMPLETED BY INDEPENDENCE,  
SUBJECT TO WHATEVER ARRANGEMENTS THE NEW NAMIBIAN GOVERNMENT  
MAY HAVE MADE FOR THE FUTURE.

25. TO OVERCOME ANY DEFICIENCIES IN TRAINED PERSONNEL IN  
NAMIBIA, WE WOULD ADVISE THE CLOSEST CONSULTATION WITH THE  
UN SPECIAL REPRESENTATIVE, WHO MAY BE IN A POSITION TO ASSIST  
IN MEETING PROBLEMS WHICH WILL ARISE.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 CAPE T 00960 04 OF 04 102013Z

26. WITH REGARD TO THE MAINTENANCE OF PUBLIC SERVICES,  
WE HOPE THAT THE SOUTH AFRICAN GOVERNMENT, IN PURSUIT OF THE  
SHARED OBJECTIVE TO ENSURE AN ORDERLY TRANSITION AND PROMOTE  
STABILITY IN THE AREA, WILL CONTINUE TO LEND THEIR COOPERATION.

27. WITH REGARD TO SECURITY, AN OPEN AND FAIR POLITICAL  
PROCESS TO DETERMINE THE FUTURE STRUCTURE OF AN INDEPENDENT  
NAMIBIA IS THE BEST GUARANTEE FOR MAINTAINING INTERNAL  
TRANQUILITY AND THE INTEGRITY OF ITS BORDERS.

28. THE SOUTH AFRICAN GOVERNMENT RAISED A QUESTION ABOUT  
SOUTH AFRICAN INVESTMENTS AND DEBTS IN NAMIBIA. THEY INQUIRED  
ABOUT COMPENSATION. MOREOVER, THEY NOTED THAT CERTAIN PUBLIC  
SERVICES ARE HEAVILY SUBSIDIZED BY THE SOUTH AFRICAN GOVERN-  
MENT AND ASKED WHO WAS GOING TO MAKE UP THE DIFFERENCE  
WHEN THEIR RESPONSIBILITIES CEASED. WE SAID THAT IF THESE  
ISSUES ARE TO BE RAISED, THEY SHOULD BE SPELLED OUT BY THE  
SOUTH AFRICAN GOVERNMENT IN DRAWING UP THEIR PLAN FOR A  
PHASED TRANSFER OF POWER/WITHDRAWAL. THEY CAN ONLY BE  
ADDRESSED IN THAT CONTEXT.

WALVIS BAY

29. THE CONTACT GROUP STATED THAT WE DID NOT WISH TO ADDRESS

THE SUBSTANCE OF THE QUESTION OF WALVIS BAY; HOWEVER, WE FELT IT NECESSARY TO DRAW ATTENTION TO AN ISSUE WHICH WAS SURE TO BE CONTROVERSIAL. FOR THEIR PARTY, THE SOUTH AFRICAN GOVERNMENT STATED THAT WALVIS BAY HAD BEEN ANNEXED BY GREAT BRITAIN AS PART OF THE CAPE OF GOOD HOPE IN 1884 AND ALWAYS INTERNATIONALLY RECOGNIZED ACCORDINGLY. AS SUCH IT HAD IN 1910 BECOME PART OF THE UNION (LATER THE REPUBLIC) OF SOUTH AFRICA. BECAUSE OF CERTAIN ADMINISTRATIVE DIFFICULTIES AND FOR NO OTHER REASONS, IT HAD SINCE 1922 BEEN ADMINISTERED AS IF IT WERE PART OF SOUTH WEST AFRICA, JUST AS THE TERRITORY AS A WHOLE HAD SIMILARLY BEEN ADMINISTERED AS IF IT WERE AN INTEGRAL PART OF SOUTH AFRICA, AND AS THE CAPRIVI ZIPFEL HAD BEEN ADMINISTERED FROM PRETORIA. THE PERMANENT MANDATES  
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 CAPE T 00960 04 OF 04 102013Z

COMMISSION OF THE LEAGUE OF NATIONS HAD EVEN QUESTIONED THE RIGHT OF SOUTH AFRICA TO DO THIS EXACTLY BECAUSE WALVIS BAY WAS NOT PART OF THE TERRITORY. IT IS THE INTENTION OF THE SOUTH AFRICAN GOVERNMENT TO RESTORE THE ADMINISTRATIVE STATUS QUO OF WALVIS BAY AS IT EXISTED PRIOR TO 1922.

VENUE AND TIMING OF FURTHER TALKS

30. THE CONTACT GROUP STATED THAT IT NOW WOULD BE NECESSARY TO HAVE EXTENSIVE DISCUSSIONS WITH OTHER PARTIES CONCERNED. THESE WOULD TAKE PLACE AS SOON AS POSSIBLE. THE SOUTH AFRICAN GOVERNMENT AGAIN EMPHASIZED THE NEED FOR RAPID PROGRESS. WE WOULD BE IN TOUCH WITH THE SOUTH AFRICAN GOVERNMENT ABOUT FURTHER TALKS WITH THEM AS SOON AS POSSIBLE, BEARING IN MIND THE DESIRE OF ALL CONCERNED TO REACH THE EARLIEST ACCEPTABLE SOLUTION OF THE NAMIBIA QUESTION.  
END TEXT

31. TWO POSTSCRIPTS TO THE ABOVE:

A) YESTERDAY VORSTER AND BOTHA HAD RESISTED THE IDEA OF A FUTURE MEETING WITH THE CONTACT GROUP ELSEWHERE THAN CAPE TOWN. TODAY AT LUNCH, BOTHA AND FOURIE TOLD US THEY WERE WILLING TO GO ANYWHERE AT ANY TIME TO MEET WITH US AGAIN ON NAMIBIAN QUESTION.

B) BOTHA TOLD US PRIVATELY THAT HE AND VORSTER HAVE IN MIND SELECTING A SOUTH AFRICAN JUDGE TO BE THE ADMINISTRATOR-GENERAL FOR NAMIBIA. WHEN IT WAS NOTED THAT "THERE ARE JUDGES AND THEN THERE ARE JUDGES," BOTHA REPLIED THAT THEY WOULD NOT SELECT SOMEONE WHO WOULD ADD TO THEIR PROBLEMS. HE ALSO INDICATED THAT HE IS CANVASSING DFA STAFF TO SEE WHAT OFFICERS MIGHT BE SECONDED TO ADMINISTRATOR-GENERAL.BOWDLER

CONFIDENTIAL

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## Message Attributes

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**Disposition Date:** 22 May 2009  
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**Original Classification:** CONFIDENTIAL  
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**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 10  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 77 CAPE TOWN 946  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 27-Dec-2004 12:00:00 am  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
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**Status:** NATIVE  
**Subject:** NAMIBIA TALKS: FINAL DAY  
**TAGS:** PDEV, SF, WA, US, UN, (VORSTER, BALTHAZAR JOHANNES)  
**To:** STATE  
**Type:** TE  
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**Review Markings:**  
Margaret P. Grafeld  
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**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009